

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VERONICA GUTIERREZ,  
TIM FOX, ERIN WALKER,  
and WILLIAM SMITH, as  
individual, and on behalf  
of all others similarly  
situated,

Plaintiffs,

Case No. CV-07-5923  
WHA (JCSx)

vs.

WELLS FARGO & COMPANY;  
WELLS FARGO BANK, N.A; and  
DOES 1 through 125,

Defendants.

CERTIFIED  
COPY

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DEPOSITION OF VERONICA GUTIERREZ  
REDLANDS, CALIFORNIA  
THURSDAY, JUNE 12, 2008

Reported By:  
PATRICIA Y. SCHULER  
RPR, CSR No. 11949  
Job No. 89823

1 A. Prior to this litigation, I did not even  
2 know I was going to be involved with something like  
3 that. So there were some documents that I was unaware  
4 of that would have pertained to this. So whatever  
5 happened to them, I can't account for.

6 Q. Um-hmm.

7 A. I do know what I can account for is what I  
8 still physically have, and that is what I have used.

9 Q. My question was a little different. My  
10 question is, have you made any special effort to make  
11 sure that you hold -- since you did become involved in  
12 the litigation, have you made any special effort to  
13 hold onto documents that might relate to your account?

14 A. I just continue to maintain my normal  
15 habits.

16 Q. Did you print out back in October, November  
17 2006, do you know whether you printed out any of your  
18 account summary activity pages at that time?

19 A. I don't remember.

20 Q. How did you first become involved in this  
21 lawsuit?

22 A. I heard on the radio an advertisement  
23 stating something regarding Wells Fargo and overdraft  
24 fees. I called to find out more information, to get  
25 an understanding of what the advertisement was for,

and that was how I learned.

Q. What radio station did you hear it on?

A. One of the local radio stations out here. I don't know. I listen to a few different radio stations around here. But I could have been listening to something within the San Bernardino County.

Q. Do you remember anything else that the radio ad said?

A. No.

Q. Who were you supposed to call?

A. I was supposed to call the phone number for this office.

Q. When you called, who did you speak to?

A. I am never going to remember who I spoke to.

Q. Well, what did that person tell you?

A. That they would call me back.

Q. Um-hmm.

A. Because they had to notify someone that I had called, and they would call me back to ask me questions.

Q. Did somebody then call you back?

A. Yes.

Q. Who called you back?

A. I don't remember.

Q. What did that person say to you?

06/12/08

1 A. Just general questions regarding what  
2 information that I heard on the radio and what  
3 information -- I asked questions "what was -- "what  
4 was the radio ad for," you know, "Well, does this  
5 apply; does that apply," just asking general questions  
6 to see if it was something that pertained to me.

7 Q. What did you tell them?

8 A. I don't remember.

9 Q. Do you remember anything that was said,  
10 anything? Or did you talk about the overdrafts in  
11 October 2006? Did you talk about --

12 A. I didn't know specific dates. I just knew I  
13 had overdraft fees that I had never resolved, and that  
14 was my main concern. I wanted to see if that is what  
15 the advertisement was for.

16 Q. When was it that you heard this radio  
17 advertisement?

18 A. Sometime in the last six months.

19 Q. When was this telephone conversation, if you  
20 remember?

21 A. I don't remember.

22 Q. After that telephone conversation -- have  
23 you told me everything you remember about that  
24 telephone conversation?

25 A. Yes.

1 I, the undersigned, a Certified Shorthand  
2 Reporter of the State of California, do hereby certify:

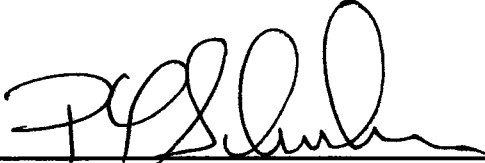
3 That the foregoing proceedings were taken  
4 before me at the time and place herein set forth; that  
5 any witnesses in the foregoing proceedings, prior to  
6 testifying, were duly sworn; that a record of the  
7 proceedings was made by me using machine shorthand  
8 which was thereafter transcribed under my direction;  
9 that the foregoing transcript is a true record of the  
10 testimony given.

11 Further, that if the foregoing pertains to  
12 the original transcript of a deposition in a Federal  
13 Case, before completion of the proceedings, review of  
14 the transcript [ ] was [ ] was not requested.

15 I further certify I am neither financially  
16 interested in the action nor a relative or employee  
17 of any attorney or party to this action.

18 IN WITNESS WHEREOF, I have this date  
19 subscribed my name.

20 Dated: JUN 20 2008

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23 PATRICIA Y. SCHULER  
24 CSR No. 11949